

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 00-0004P

Use Tax

Calendar Years 1995, 1996, 1997

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ISSUE(S)

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

An audit was completed on August 26, 1999. Taxpayer failed to remit use tax on clearly taxable items.

ISSUE

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DISCUSSION

Taxpayer's audit report revealed that taxpayer paid less than one percent (1%) of its use tax due although it was previously audited. The taxpayer failed to self assess as required by statute and was made aware in a prior audit dated December 18, 1995 regarding the issues. The Letter of Findings for tax periods 1992 through 1994 denied the taxpayer a waiver of the negligence penalty. The issues are the same in the current audit and the taxpayer failed to make corrections.

Taxpayer's reasoning in its letter dated December 21, 1999 has neither bearing nor effect regarding the penalty issue.

FINDING

Taxpayer's protest is denied.